

EXPRESS MAIL CERTIFICATE

Date 12/4/02 Label No. E/208490745US

I hereby certify that, on the date indicated above, this paper or fee was deposited with the U.S. Postal Service & that it was addressed for delivery to the Assistant Commissioner for Patents, Washington, DC 20231 by "Express Mail Post Office to Addressee" service.

A. Stantini
Name (Print)

A. Stantini
Signature

12-05-02
DACB
#8
PLEASE CHARGE ANY DEFICIENCY UP TO \$300.00 OR CREDIT ANY EXCESS IN THE FEES DUE WITH THIS DOCUMENT TO OUR DEPOSIT ACCOUNT NO. 04-0100

Customer No.:



07278

PATENT TRADEMARK OFFICE

Docket No.: 3795/0J514US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Harold COTE, et al.

Serial No.: 09/891,875

Group Art Unit: 3713

Filed: June 25, 2001

Examiner: To Be Assigned

For: COMPUTER GAMBLING GAME

REQUEST FOR RECONSIDERATION OF
PETITION UNDER 37 C.F.R. §1.47(a)

Box DAC

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This is a petition to permit the assignee of the above-identified patent application to make the application for patent on behalf of itself and a non-signing inventor under 37 C.F.R. § 1.47.

It is respectfully requested that the Patent and Trademark Office permit this application to be made by INGENIO, filiale de Loto-Québec Inc. on behalf of Harold Côté who has refused to execute the Declaration and Power of Attorney of the application.

INGENIO, filiale de Loto-Québec Inc. is the owner of this patent application and the

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underlying invention by an assignment from Harold Côté and Stephan Giard in corresponding application PCT/CA99/01228 filed on December 12, 1999. The relevant assignment accompanies this petition (Exhibit A).

Upon information and belief, the pertinent facts are as follows:

The last known address for non-signing inventor Harold Côté is 1728 Rue Saint-Christophe, Montreal, Quebec, CANADA H2L 3W8.

On or about August 28, 2002, the office of the undersigned forwarded a copy of the present patent application including the drawings, and Declaration and Power of Attorney for execution by Harold Côté (Exhibit B).

On November 27, 2002, the office of the undersigned was informed by mail that Harold Côté refused to sign the Declaration (Exhibit C).

Currently with the notification, an Affidavit of the registered attorney, agent(s) and other authority(ies) attempting the contact, outlining the efforts and the results; as well as documentation (such as a copy of the transmittal letter(s) and delivery disposition document (s)) supporting this Request for Reconsideration is being submitted herewith (Exhibit D).

To date an executed Declaration and Power of attorney for filing in response to the attached copy of the Notice to File Missing Parts (Exhibit E) has not been received, based on Harold Côté's ongoing refusal to sign the Declaration and Power of Attorney.

Neither INGENIO, filiale de Loto-Québec Inc nor the undersigned received any further response from Mr. Côté.

To date, Harold Côté has not signed the declaration and is therefore effectively refusing to sign the application.

This petition is necessary to preserve the rights of the signing inventor, Stephan Giard and assignee, INGENIO, filiale de Loto-Québec Inc., in this application.


A check for the fee set forth in 37 C.F.R. §1.17(h) in the amount of \$130.00 is enclosed. The Commissioner is authorized to charge any deficiency or credit any excess in this fee to Deposit Account No. 04-0100.

Unless the Patent and Trademark Office permits this application to be made by the assignee, on behalf of the non-signing inventor, the right to obtain a United States patent for the underlying invention will be lost.

For the reasons set forth above and in light of the facts set forth in the accompanying Declarations of Harold Côté and Stephan Giard, it is respectfully requested that the Patent and Trademark Office grant this petition and permit this application to be made by INGENIO, filiale de Loto-Québec Inc. on behalf of the non-signing inventor.

Respectfully submitted,

Dated: December 4, 2002


Alphonso A. Collins
Reg. No. 43,559
Attorney for Applicant(s)

DARBY & DARBY P.C.
805 Third Avenue
New York, NY 10022
212-527-7700

ASSIGNMENT OF INVENTION

UNIVERSAL

WHEREAS, We 1) Harold Côté 2) Stephan Giard

whose full addresses are 1) 1728 St.Christophe St., Montréal, Québec, Canada, H2L 3W8

2) 1052 Dion St., Chambly, Québec, Canada, J3L 3B6

(hereinafter referred to as the assignor) have invented certain improvements in COMPUTER GAMBLING
GAME

described in International Patent Application no. PCT/CA99/01228 filed on December 12, 1999.

and:

WHEREAS INGENIO, filiale de Loto-Québec Inc.

whose full post office address is 500 Sherbrooke St. West, Suite 2000, Montréal, Québec, Canada,


H3A 3G6

(hereinafter referred to as the assignee), is desirous of acquiring the entire right, title and interest in and to said invention or inventions and in and to any and all patents to be obtained therefore;

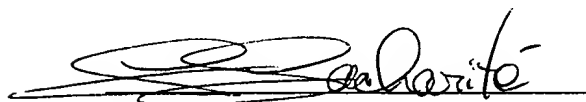
NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, we have and by these presents do hereby sell, assign and transfer unto said assignee, its successors and assigns, the entire right, title and interest in and to said invention or inventions, as described in the aforesaid application, in any form or embodiment thereof, and in and to the aforesaid application; and in and to any applications filed in any foreign country based thereon, including the right to file said foreign applications under the provisions of the International Convention; also the entire right, title and interest in and to any and all patents, reissues or extensions thereof to be obtained in this or any foreign country upon said invention or inventions, and any divisional, continuation, continuation-in-part, substitute application(s) or supplementary disclosure(s) which may be filed upon said invention or inventions, in any country; and we hereby authorize and request the issuing authority to issue any and all patents on said application or applications to said assignee.

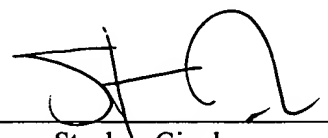
Les soussignés désirent que la présente cession soit rédigée en anglais. The undersigned request that the present assignment be in English.

IN WITNESS WHEREOF, we have hereunto set our hands and seal this 26 day
of April 2001.


Witness


Assignor: Harold Côté


Witness

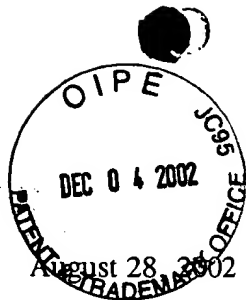

Assignor: Stephan Giard

DARBY & DARBY

PROFESSIONAL
CORPORATION

INTELLECTUAL PROPERTY LAW

805 THIRD AVENUE
NEW YORK, NY 10022-7513
TEL (212) 527-7700
FAX (212) 753-6237



Reference: 3795/0J514US0

ALPHONSO A. COLLINS
ATTORNEY AT LAW
(212) 836-3726
acollins@darbylaw.com

VIA FACSIMILE - 514-397-4382
Confirmation Copy Via Air Mail

Mr. Claude Fournier
Goudreau Gage Dubuc
Stock Exchange Tower
800 Place-Victoria - Suite 3400
Montreal, Canada H4Z 1E9

Re: **U.S. Patent Application Serial No. 09/891,875**
COMPUTER GAMBLING GAME
Your Ref.: CF/12545.99

Dear Mr. Fournier:

Enclosed is a Decision on the Petition under 37 C.F.R. § 1.47(a) filed on March 16, 2002. Any Request for Reconsideration of this Decision must be submitted by **October 1, 2002**. Extensions of time are available until **February 1, 2003**, with escalating Government fees. Please let us have your instructions well in advance of the due date.

The Petition was dismissed due to the indication in the record that only the Assignment and Declaration were sent to the non-executing inventor. I contacted the senior attorney responsible for the Petition, and he advised me that a complete copy of the specification, drawings, claims and abstract, along with the Assignment and Declaration should be sent to the non-signing inventor. If he refuses to sign, then based on the accompanying statement of facts the Petition will be granted.

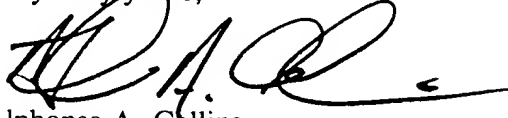
Accordingly, I have enclosed a copy of the specification and the Declaration and Power of Attorney. Please resubmit the formal papers along with the complete specification for execution by the inventor. Also provide a return Express package for his convenience. If he refuses to sign the formal papers, we will then have a complete record of these facts. At that time, we will refile the Petition.

DARBY &
DARBY

Mr. Claude Fournier
August 28, 2002
Page 2

If you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'A.A. Collins', with a long horizontal flourish extending to the right.

Alphonso A. Collins

AAC:par

Enclosures

cc: Melvin C. Garner, Esq.



Goudreau Gage Dubuc

INTELLECTUAL PROPERTY



Direct Dial: (514) 397-5195
Internet: gbruneaur@ggd.com
Your Ref.: 3795/OJ514
Our Ref.: 13414.15

November 27, 2002

BY FAX
BY COURIER

Mr. Alphonso A. Collins
DARBY & DARBY
805 Third Avenue
New York, New York 10022-7513
U.S.A.

Subject: International Application N° PCT/CA99/01228
filed December 20, 1999
COMPUTER GAMBLING GAME

Dear Mr. Collins:

I am now in charge of this file, taking up after Mr Claude Fournier.

This letter is in response to the letter dated August 2, 2002 issued by the USPTO.

We understand that the USPTO requires that the refusal to join be unequivocal, and that a precondition to alleging a refusal is a bona fide attempt to present a copy of the completed application and formal papers to the inventor.

Since the fact of the refusal must be established by competent evidence, and in the present case, a refusal by conduct may be established by a statement of the facts upon which the conclusion is based, please find enclosed a statement of the facts (affidavit), signed by myself, since I am a person having firsthand knowledge of the facts recited herein, including proof of the pertinent facts concerning the refusal of the inventors, namely Mr. Harold Côté, to sign (MPEP §409.03(d)).

The original copies are being forwarded today by courier.

General Partnership
Patent and Trademark Agents

www.ggd.com

Montreal

Stock Exchange Tower
Suite 3400
P.O. Box 242
800 Place-Victoria
Montreal, Canada H4Z 1E9

Telephone (514) 397-7602
Fax (514) 397-4382
Toll Free 1-800-361-6266
(Quebec and Ontario only)

Quebec City

140 Grande Allée Est
Suite 800
Quebec, Canada G1R 5M8
Telephone (418) 640-2000



- 2 -

We entrust you with preparing the declaration and file it to the USPTO as soon as possible.

We look forward to receiving confirmation that these documents have been received, and that the necessary actions have been taken.

We remain,

Yours very truly,

Goudreau Gage Dubuc

Gwendoline Bruneau
Patent Agent Trainee

GB/fd
Enc.



AFFIDAVIT

(Submitted pursuant to 35 USC §116 and §118; 37 CFR § 1.47(a))

I, Gwendoline Bruneau, whose full personal address is 4275-A, Hotel-de-Ville, Montréal, Quebec, Canada H2W 2H3, solemnly declare as follows :

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1. I am a patent agent trainee employed by Goudreau Gage Dubuc, an Intellectual Property firm located at the Stock Exchange Tower, 800 Place-Victoria, Suite 3400, Montreal, Quebec, Canada H4Z 1E9 (hereinafter "GGD"). I work primarily in the field of patents, drafting and prosecuting applications. I have been in charge of the present file since September 1, 2002.
2. On June 25, 2001, our correspondent firm for this case, Darby & Darby, whose address is 805 Third Avenue, New York, NY 10022-7513, USA, filed a PCT continuation application at the United States Patent and Trademark Office (USPTO) (see Annex A).
3. The United States Patent and Trademark Office (USPTO), by a letter dated August 1, 2002, requested that the petition for this application, which may now be identified as Serial Number No. 09/891,875, be completed. Specifically, it is requested that a copy of the entire application be sent to the last known address of the non-signing inventor with a request that he sign the declaration for the patent application (see Annex B).
4. On October 17, 2002, our firm sent to the non-signing inventor Mr Harold Côté, whose full last known address is 1728, rue Saint-Christophe, Montreal, Quebec, Canada H2L 3W8, by

registered mail, a copy of the entire application including the drawings, together with a Declaration and Power of Attorney document, with a request that he sign the declaration. The accompanying letter stipulated that the signed document should be sent by November 17, 2002 (see Annex C).

5. On October 21, 2002, the mail was effectively delivered to Mr Harold Côte, as registered by the Canada Post services (see Annex D).
6. On October 23, 2002, Mr Harold Côte acknowledged reception of the registered mail by e-mail to Mrs. Jocelyne Côte, lawyer employed by Ingenio, applicant of the present application (see Annex E).

Solemnly declared at Montreal,
this 27th day of November 2002.


Commissioner for Oaths




Gwendoline Bruneau

**DARBY &
DARBY**
PROFESSIONAL
CORPORATION

INTELLECTUAL PROPERTY LAW

805 THIRD AVENUE
NEW YORK, NY 10022-7513
TEL (212) 527-7700
FAX (212) 753-6237

ANNEX A

June 25, 2001

Reference: 3795/0J514US0

JOHN C. TODARO
ATTORNEY AT LAW
212-527-7659
jtodaro@darbylaw.com

Via Telecopier 1-(514) 397-4382

Goudreau Gage Dubuc
Stock Exchange Tower, Suite 3400
P.O. Box 242
800 Place-Victoria
Montreal, Canada H4Z 1E9

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OFFICE OF PETITIONS

Attn.: Mr. Claude Fournier

Re: **International Application No. PCT/CA99/01228**
Filed 20 December 1999
For: COMPUTER GAMBLING GAME
Your Ref.: CF/12545.99

Dear Mr. Fournier:

In accordance with your e-mail of 20 June 2001, we confirm that the above-identified PCT continuation application has been filed today, June 25, 2001. The application documents will be forwarded to you with the confirmation copy of this letter.

Please do not have the inventors sign the Declaration/Power of Attorney forwarded with our letter of June 20. We will forward an Assignment and Declaration/Power of Attorney once this application has been assigned a U.S. serial number.

Please provide us with a certified copy of the priority application (Canada 2,258,809). At your earliest convenience, please also provide us with copies of the references cited in the corresponding International Search Report, so that we can file them in an Information Disclosure Statement.

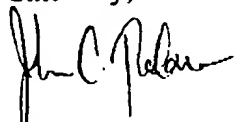
We wish to remind you at this time of the continuing duty of disclosure to the Patent and Trademark Office. Patent applicants satisfy this duty by disclosing to the attorney or agent prosecuting their application any information known to them that may be material to an examination of patentability, e.g., prior art. We are particularly interested in receiving copies of any prior art patents that may have been applied to reject the claims in foreign counterparts of the present application. Please send us any such information or prior art for filing in the Patent and Trademark Office.

DARBY &
DARBY

June 25, 2001
Page 2

We will advise you of the serial number accorded this application in due course. Our invoice for services and disbursements in connection with the filing of this application will follow with a copy of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "John C. Todaro".

John C. Todaro

JCT:lmg
Enclosures

cc: Melvin C. Garner, Esq.



UNITED STATES PATENT AND TRADEMARK OFFICE

DUE: October 1, 2002Docketed on 8/7 by DP forDocketed without file ☐

COPY MAILED

JJGJr.:07-02

Paper 9

DARBY & DARBY P.C.
805 THIRD AVENUE
NEW YORK NY 10022AUG 1 2002
2 1 - 03
OFFICE OF PETITIONS

ANNEX B

In re Application of
Cote, et al.
Application No. 09/891,875
Filed: 25 June, 2001
Attorney Docket No. 3795/OJ514US0: DECISION REFUSING
: STATUS UNDER
: 37 C.F.R. §1.47(a)

This is a decision on the petition under 37 C.F.R. §1.47(a),¹ filed on 16 March, 2002, and supplemented via FAX on 30 July, 2002.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. §1.47(a)" and may include an oath or declaration executed by the inventor.

Failure to respond will result in abandonment of the application.

BACKGROUND

The record indicates:

- the application was filed on 25 June, 2001, without an executed oath or declaration for the first-named inventor Harold Côté (Mr. Côté);
- accordingly, a Notice to File Missing Parts of Application was mailed on 17 August, 2001, requiring an executed oath or declaration, and a surcharge for the late filing;
- counsel filed concurrently with the petition the fee, the surcharge for late filing, and certain correspondence (letter of 23 July, 2001, Email of 26 July, 2001, and letter of 20 September, 2001), however, rather an evidencing the pertinent facts establishing that the inventor was first presented with a copy of the complete application, yet refuses to sign or

¹ The regulations at 37 C.F.R. §1.47 provide:

§ 1.47 Filing when an inventor refuses to sign or cannot be reached.

(a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in § 1.17(h), and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with § 1.63.

(b) Whenever all of the inventors refuse to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, may make application for patent on behalf of and as agent for all the inventors. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, the fee set forth in § 1.17(h), and the last known address of all of the inventors. An inventor may subsequently join in the application by filing an oath or declaration complying with § 1.63.

(c) The Office will send notice of the filing of the application to all inventors who have not joined in the application at the address(es) provided in the petition under this section, and publish notice of the filing of the application in the *Official Gazette*. The Office may dispense with this notice provision in a continuation or divisional application, if notice regarding the filing of the prior application was given to the nonsigning inventor(s).

[47 Fed. Reg. 41275, Sept. 17, 1982, effective Oct. 1, 1982; 48 Fed. Reg. 2709, Jan. 20, 1983, effective Feb. 27, 1983; revised, 62 Fed. Reg. 53131, Oct. 10, 1997, effective Dec. 1, 1997; revised, 65 Fed. Reg. 54604, Sept. 8, 2000, effective Nov. 7, 2000]

cannot be found or reached after diligent effort,² the materials demonstrate that only the oath/declaration and an assignment document were submitted to Mr. Côté.

ANALYSIS

Petitioner has failed to establish that the inventor has been presented with the full application and has refused to sign the declaration (the proof of the pertinent events must be made by a statement of someone with first hand knowledge of the events with support of the registered practitioner prosecuting this matter) or cannot be reached.

A copy of the entire application must be sent to the last known address of the non-signing inventor with a request that he/she sign the declaration for the patent application. A forwarding address should be requested, if the papers are returned, and other attempts to locate the inventor, e.g. through e-mail or the telephone continue to fail, then applicant will have established that the inventor cannot be reached. Alternatively, an oath or declaration for the patent application in compliance with 37 C.F.R. §§1.63 and 1.64 must be presented. The declaration must set forth the inventor's residence, citizenship and post office address. An oath or declaration in compliance with 37 C.F.R. §§1.63 and 1.64 signed by the Rule 1.47 applicant is required.³


Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner of Patents and Trademarks
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite CP4-3C23
2201 South Clark Place
Arlington, VA 22202

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-9199.



John J. Gillon, Jr.
Senior Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

² The submission should include: (a) a declaration of the registered attorney(s)/agent(s) and other authority(ies) attempting the contact, outlining the efforts and the results; and (b) documentation (such as a copy of the transmittal letter(s) and delivery disposition document(s) supporting that (those) declaration(s).

³ See: MPEP 409.03(b).

Ligne directe : (514) 397-5195
Courriel : gbruneau@ggd.com
Notre réf. : GB/13414.15

Le 17 octobre 2002

COURRIER RECOMMANDÉ

Monsieur Harold Côté
1728, rue Saint-Christophe
Montréal (Québec)
H2L 3W8

Objet: COMPUTER GAMBLING GAME
Demande de brevet aux États-Unis n° 09/981,875
déposée le 25 juin 2001

Monsieur Côté,

Veillez trouver ci-joints une copie complète de la demande incluant les dessins ainsi que le document intitulé "Declaration and power of attorney".

Nous vous prions de nous retourner la "Declaration and power of attorney" signée dans les plus brefs délais, soit avant le :

17 novembre 2002.

Veillez recevoir, Monsieur Côté, nos salutations distinguées.

Goudreau Gage Dubuc

Bruneau Gwendoline
Agent de brevets stagiaire

Julie Gauvreau
Agent de brevets

GB/JG/gb
p.j.

Track a Package

Close Window

ANNEX D



Item Number Entered: 78466268283

Last Delivery Status

The item has been successfully delivered to the customer.

Final CPC Location: MONTREAL, QC

Date / Time: 21 October 2002 PM

Item was signed for by: HAROLD COTE



Trace History

Date / Time	Location	Delivery Event Description
17 October 2002 16:23	MONTREAL, QC	The item has been received by CPC.
18 October 2002 08:27	MONTREAL, PQ	The item was sent out for delivery to the customer.
18 October 2002 AM	MONTREAL, PQ	The customer was not available to receive the item. A card was left to advise the customer to pick up the item at their local CPC outlet.
21 October 2002 PM	MONTREAL, QC	The item has been successfully delivered to the customer.

Search Again

Print



"Côté Jocelyne"
<Jocelyne.Cote@loto-q
uebec.com>

To: "gbruneau@ggd.com" <gbruneau@ggd.com>
cc:
Subject: TR : Brevet

ANNEX E

10/23/2002 03:38 PM

Tel que convenu par téléphone, ce jour.

-----Message d'origine-----

De : Côté Harold

Envoyé : 23 octobre, 2002 13:44

À : Côté Jocelyne

Objet : Brevet

Bonjour,

Je vous confirme que j'ai reçu l'envoi recommandé lundi le 21 octobre.

Merci

Harold Côté

Sécurité Informatique

☎ 499-5047



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/891,875	06/25/2001	Harold Cote	3795/0J514US0

CONFIRMATION NO. 9036

DARBY & DARBY P.C.
805 Third Avenue
New York, NY 10022

DUE: OCTOBER 17, 2001
Docketed on 8/27/01 by DD for

Docketed without file ☐

Attorney AK

FORMALITIES LETTER



OC000000006441001

Date Mailed: 08/17/2001

3-17-02

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$166.
 - \$126 for 14 total claims over 20.
 - \$40 for 1 independent claims over 3 .
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 586.

*A copy of this notice **MUST** be returned with the reply.*

CU

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART I - ATTORNEY/APPLICANT COPY